

DEPARTMENT OF HEALTH AND HUMAN SERVICES
Public Health Service
Indian Health Service

Ref: DHR

ALBUQUERQUE AREA INDIAN HEALTH SERVICE CIRCULAR NO. 2003-01

**CHARACTER INVESTIGATION FOR CIVIL SERVICE EMPLOYEES,
PHS COMMISSIONED CORP/VOLUNTEERS AND STUDENT VOLUNTEERS**

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1. **PURPOSE.** This Circular establishes a policy for conducting character background investigations and reinvestigations on all employees (newly hired and existing employee). This policy will be used for processing the necessary documentation for conducting background investigations on all Albuquerque Area Indian Health Service (AAIHS), Civil Service Employees, Volunteers/Students Volunteers and members of the Public Health Commissioned Corps.
2. **BACKGROUND.** Congress enacted Public Law 101-630, 25 United States Code (U.S.C.) Section 3201et seq.entitled "Indian Child Protection and Family Violence Prevention Act" to prescribe minimum standards of character for individuals whose duties and responsibilities involve regular contact with or control over Indian Children under the age of eighteen years old (covered positions). The law states that no individual will be hired in a position which involves regular contact with, or control over, Indian children if the individual has been found guilty of, any offense under Federal, State, or tribal law involving crimes of violence; sexual assault, molestation, exploitation, contact or prostitution; or crimes against persons.

The law makes mandatory that IHS conduct a criminal history background investigation of all individuals who are employed, or who are being considered for employment, in positions in IHS facilities.

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Congress enacted P.L. 101-647, 42 U.S.C. 1304 et seq., entitled "Crime Control Act," which applies to all federal agencies, every facility operated by the Federal Government, and every facility operated under contract with the federal government. It extends the requirement for criminal history background investigations to newly hired employees, contractors and volunteers who will be performing services in covered positions.

In addition to addressing crimes of violence, the law provides: "(1) Any conviction for a sex crime, an offense involving a child victim, or a drug offense shall be grounds for denying employment or for dismissal of an employee engaged in specified child care services; (2) an incident in which an individual has been charged, but where the charge has not yet been disposed of, shall permit the employee's suspension from any contact with children until the case is resolved; and (3) convictions of other crimes may be considered if they bear on an individual's fitness to have responsibility for the safety and well-being of children."

3. **REFERENCES.** Public Law 101-630, Executive Order 10450, "Security Requirements for Government Employees" and Public Law 101-647, 25 U.S.C. Sec. 3209, "Character Investigation".
4. **POLICY.** It shall be the policy of the AAIHS to ensure that an operational system is in place to conduct background investigations and reinvestigations for all individuals who are employed or are being considered for employment. This policy specifies the responsibilities of the Area Director (AD), Chief Executive Officer (CEO), Administrative Officer (AO), Managers, Supervisor, Service Unit Human Resources Field Representative, and the Division of Human Resources staff in ensuring compliance in the completion of the background/reinvestigations. This circular shall neither replace nor supersede any existing laws or regulations.
5. **DEFINITIONS.**

Background Investigation. A personnel investigation that meets the requirement of 5 CFR Part 731, 732 and 736.

Child Care National Agency Check Written Inquiries (CNACI). Special investigation of applicants and employees in child care workers positions. The investigation is the basic National Agency Check with Written Inquiries (NACI) supplemented with searches of state and federal criminal history repositories.

Child Care Worker Positions Listing. A listing of positions (Exhibit I), which involves work with children under the age of 18, and subject applicants and employees to CNACI investigations.

Closed Unacceptable Case. The status of an incomplete request for an investigation packet. The result of the AAIHS submitting to FIPC-OPMA an incomplete packet,

FIPC-

OPM issues a transmittal notice rejecting the investigation packet due to incomplete information.

Contractors. Individuals working in a child care worker position under the umbrella of a private and temporary contractor form or as a personal services contractor. (Investigation of contractors are covered under AAIHS Transmittal Notice 99-01, Indian Health Manual dated June 2, 1999).

Covered Positions. Employment positions, which involve regular contact with or control over Indian children.

Department of Human Resources. Personnel in AAIHS Department of Human Resources (DHR).

Employees. Civil Servants, Public Health Service Commissioned Corp, Volunteer/ Student Volunteer who occupy covered positions.

Human Resources Field Representatives. Designated individual(s) at each service unit who work directly with AAIHS DHR and service unit's management when dealing with human resource issues.

National Agency Check Written Inquiries (CNACI). An employee background investigation conducted on all Federal employees. It entails both a national criminal history fingerprint search performed by the FBI and an investigation of conduct for the prior five years in following areas; residence, employment, education, references.

Students Volunteers: Individuals serving in AAIHS facilities in order to obtain practical health care experience under agreements made with educational institutions.

Temporary Waiver: Written authorization permitting an employee to commence work duties before the completion of a background investigation.

Volunteers: Individuals who provide health care services to the Government without compensation under a formal agreement.

6. RESPONSIBILITIES.

A. Area Director

1. Administers, directs and ensure the effective implementation of the AAIHS Character Investigation policy.
2. Designates the Chief Executive Officer for the responsible for the oversight of the character investigation process.

B. Chief Executive Officer.

1. Approves cover positions.
2. Oversees the character investigation process and ensures its compliance with P.L. 101-630 and 101-647.
3. Ensure that designated individuals (Administrative Officer and Supervisor) have obtained satisfactory results from criminal history background investigations on employees and are appropriately monitoring employees.

C. Administrative Officer

1. Ensures that employees, volunteers/student volunteers in covered positions are monitored until their background checks are completed.
2. Ensures that Temporary Waivers are in effect, when appropriate.
3. Ensures compliance with background investigation policies and procedures.
4. Provides training in investigation packet completion and fingerprinting to applicable staff.
5. Establishes a service unit tracking system for all pending investigative cases.

D. Manager/Supervisor.

1. Identifies covered positions.
2. Oversees completions of Temporary Waiver forms.
3. Ensures that employee working under a Temporary Waiver are supervised by staff whose background checks have been favorably completed, and that the supervision consists of maintaining visual sight of the employee at all time while he/she is working with children under the age of 18.
4. Ensures that employees in covered positions have successfully completed a CNACI.
5. Ensures all employees under their supervision are fully investigated and coordinates the completion of pending and/or incomplete investigation

packets with DHR and HR Field Representatives.

E. Service Unit Human Resources Field Representative.

1. Is the primary contact for DHR and service unit management.
2. Initiates the investigation process for any employee that occupies a position that management has identified appropriate for investigation.
3. Reactive closed unacceptable cases when appropriate.
4. Takes fingerprints and completes appropriate Standard Forms.

F. Division of Human Resources.

1. Determines suitability for government service (“adjudication”) after investigation packets have been returned to it by OPM.
2. Determines and initiates a new background investigation when it has been determined that a previous investigation was incomplete or outdated.
3. Signed and dates Certificate of Investigation form for placement in an employee’s Official Personnel Folder (OPF).
4. Provides technical information to AAIHS and service unit management regarding the background investigation process.
5. Establishes and monitors tracking system for all pending investigative cases at the service unit.
6. Provides reports as requested.

7. **CHARACTER INVESTIGATION PROCEDURES.**

A. This section describes the character investigation process for both newly hired and current employees. Both newly hired and current employees are required to complete the following forms and forward them to DHR:

- SF-85, Questionnaire for Non Sensitive Positions (Exhibit II)
- OF-306, Declaration For Federal Employment (Exhibit III)
- SF 87, Finger Print Chart (Exhibit IV)

Upon notification of selection, newly appointed employees will receive a pre-appointment investigation packet from DHR. Current employees will coordinate with his/her supervisor in obtaining an investigation packet.

1. DHR will review the investigation packet for completion and will forward it on to FIPC-OPM, thereby initiating a background investigation. FIPC-OPM has 120 days within which to complete the investigation.
2. A Temporary Waiver (Exhibit V) must be submitted in order for a new employee to establish an enter on duty date (EOD) before the completion of his/her investigation.
3. In the event DHR is notified that the investigation packet is incomplete, it will coordinate the collection and forwarding of the necessary additional information to FIPC-OPM.
4. If DHR is unable to obtain the requested information within its time frame the investigation case will be declared **"Incomplete Unacceptable Case"** by OPM and returned via mail to Area DHR.
5. When the investigation is completed, FIPC-OPM returns a "Case Close Transmittal Report".
6. DHR will seek additional information from the employee thru channels above to reinitiate and complete the investigation.
7. DHR will then determine suitability, and file a signed and dated "Certification of Investigation" form and file it in the employee's OPF.
8. DHR will notify the appropriate official that employee has been cleared.

B. Upgrading and Re-investigation.

This section describes the procedure for upgrading NACI investigation to a CNACI investigation, as well as the means by which a reinvestigation is conducted every five years. A completed NACI investigation must be on file before it can be upgraded to a CNACI investigation

1. The employee must submit to DHR an OFI-86C (Exhibit VI) and an SF-87C, Finger Print Chart (Exhibit IV).
2. DHR will review the investigation packet for completeness and will forward it to FIPC-OPM thereby initiating a background investigation. FIPC-OPM has 120 days within which to complete the investigation.

3. In the event DHR is notified that the investigation packet is incomplete, it will coordinate and forward the necessary additional information to FIPC-OPM.
 4. If DHR is unable to obtain the requested information within the time frame the investigation case will be declared "**Incomplete Unacceptable Case**" by OPM and returned via mail to Area DHR.
 5. When the investigation is completed, FIPC-OPM returns a "Case Close Transmittal Report" to DHR.
 6. DHR will seek additional information from the employee thru channels above to reinitiate and complete the investigation
 7. DHR then determines suitability and files a signed and dated "Certification of Investigation" form in the employee's OPF.
 8. DHR will notify the appropriate official that the employee has been cleared.
8. **EFFECTIVE DATE.** This circular is effective upon date of signature and shall remain in effect until cancelled or superseded.



Director
Albuquerque Area Indian Health Service

**ALBUQUERQUE AREA INDIAN HEALTH SERVICE
CHILD CARE WORKERS POSITIONS LISTING**

This list is not all-inclusive and positions must be assessed at time of request for recruitment or when duty changes are initiated.

GS-101, SOCIAL SCIENCE SERIES

Chemical Abuse Administrator
Chemical Abuse Specialist
Substance Abuse Specialist
Behavioral Health Specialist

GS-180, PSYCHOLOGY SERIES

Clinical Psychologist

GS-185, SOCIAL WORK SERIES

Supervisory Social Worker
Social Worker

GS-186, SOCIAL SERVICES AID AND ASSISTANT SERIES

Social Services Aid
Social Services Assistant

GS-187, SOCIAL SERVICES SERIES

Social Work Associate

GS-318, SECRETARY SERIES

Secretary (Typing) -(Located At New Sunrise Regional Treatment Center)
Secretary (OA) -(Located At New Sunrise Regional Treatment Center)

GS-601, GENERAL HEALTH SCIENCE SERIES

Health Specialist (Sexually Transmitted Diseases)
Health Specialist

GS-602, MEDICAL OFFICER SERIES

All Medical Officer Positions Throughout The Area

GS-603, PHYSICIAN'S ASSISTANT SERIES

Physician's Assistant

GS-610, NURSE SERIES

All Nurse Positions throughout the Area

GS-620, PRACTICAL NURSE SERIES

Practical Nurse

GS-621, NURSING ASSISTANT SERIES

Nursing Assistant
Operating Room Nurse
Nursing Aid

GS-630, DIETITIAN AND NUTRITIONIST SERIES

Public Health Nutritionist

GS-633, PHYSICAL THERAPIST SERIES

Physical Therapist

GS-636, REHABILITATION THERAPIST ASSISTANT SERIES

Physical Therapist

GS-638, RECREATION/CREATIVE ARTS THERAPIST SERIES

Recreation Therapist

Creative Art Therapist

GS-640, HEALTH AID AND TECHNICIAN SERIES

Health Technician

Health Technician (Optometry)

Mental Health Technician

GS-644, MEDICAL TECHNOLOGIST SERIES

Medical Technologist

GS-645, MEDICAL TECHNICIAN SERIES

Medical Laboratory Aid

Medical Technician

GS-647, DIAGNOSTIC RADIOLOGIC TECHNOLOGIST SERIES

Diagnostic Radiologic Technologist

GS-649, MEDICAL MACHINE TECHNICIAN SERIES

Electrocardiograph Technician

Medical Instrument Technician (Diagnostic Ultrasound)

GS-660, PHARMACIST SERIES

Pharmacist

GS-661, PHARMACY TECHNICIAN SERIES

Pharmacy Technician

GS-662, OPTOMETRIST SERIES

Optometrist

GS-665, SPEECH PATHOLOGY AND AUDIOLOGY SERIES

Speech Pathologist

GS-668, PODIATRIST SERIES

Podiatrist

GS-675, MEDICAL RECORD TECHNICIAN SERIES

Medical Records Technician

GS-679, MEDICAL CLERK SERIES

Medical Clerk (Typing) - (Located At New Sunrise Regional Treatment Center)

Medical Clerk (OA) -(Located At New Sunrise Regional Treatment Center)

Medical Clerk

Medical Assistant

GS-680, DENTAL OFFICER SERIES

Dental Officer

GS-681, DENTAL ASSISTANT SERIES

Dental Assistant

GS-682, DENTAL HYGIENE SERIES

Dental Hygienist

GS-683, DENTAL LABORATORY AID AND TECHNICIAN SERIES

Dental Laboratory Technician

GS-1701, GENERAL EDUCATION AND TRAINING SERIES

Health Educator

GS-1702, EDUCATION AND TRAINING TECHNICIAN

Education Technician

Community Health Educator

GS-1710, EDUCATION AND VOCATIONAL TRAINING SERIES

Teacher

GS-1725, PUBLIC HEALTH EDUCATOR SERIES

Public Health Educator

GS-1728, SPECIAL EDUCATION SERIES

Special Education Specialist